FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1623 OF 2006

Hari Sukumar Nair ..Applicant

v/s.

The State of Maharashtra ..Respondent

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Zia-Ul Mustafa for the applicant.

Mr.R.Y.Mirza APP for the State.

Coram : R.S.Mohite,J

Date : 15.6.2006.

PC

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.459/2006 registered by Malad police station for offences punishable under Sections 392, 394, 397, 398 read with section 34 of IPC. The crime has been registered on a complaint of one Premji Bohra who was working as a peon with

the company. According to the complaint on 3.10.2005 at 8.30 A.M. the complainant was proceeding to deposit cash and cheques in HDFC bank. He was accosted by some persons and one of them thrown chilly powder in the eyes of the complainant and two other unknown persons assaulted the complainant by wooden plank. They snatched the bag containing cash of Rs.3,90,000 and cheques. The present applicant is not named in the FIR . In so far as the applicant is concerned, he has not played any direct role but the case against him was he was standing nearby and directing the accused persons. He has been identified by the driver Uday Raj. Amount of Rs.5,200/- was deposited by the applicant with the bank on the same day and Rs.58,100/- was deposited on the next day. The police have seized Rs.49,300/- from the bank and some amounts from his friend. The total recovery of

Rs.1,92,000/- has already been made. It appears that this Court passed an order on 24.4.2006 releasing the person who has actually taken part in the offence and who has thrown the chilly powder. Bail was granted to Dinesh Joshi. The present applicant is behind the bar since October-2005. It is unlikely that there will be any further recovery. Taking into account the fact that the person who has participated in the assault has been granted bail, I am inclined to grant bail to the present applicant. In the circumstances, it is directed that pending his trial in pursuance of C.R.No.459/2006 the applicant may be released on bail in the sum of Rs.25,000/- with one surety in the like amount subject to the condition that he will report to the investigating officer once a fortnight on the 1st and 3rd Monday till the conclusion of the trial. It is made clear

that larger amount of bail has been granted because there are some antecedents against the present applicant and there is also order passed under Section 107 of IPC.

(R.S.Mohite,J)